

# United States District Court

Southern

DISTRICT OF

New York

United States of America for the Use and Benefit  
of LMC Industrial Contractors, Inc.,

Plaintiff,

V.

FKI Logistex Integration Inc. and Travelers  
Casualty and Surety Company of America,

Defendants.

## SUMMONS IN A CIVIL CASE

CASE NUMBER:

07 CV 2925

JUDGE PRESKA

TO: (Name and address of defendant)

FKI Logistex Integration Inc.  
5384 Poplar Avenue  
Memphis, Tennessee 38119

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

*Manos Quintero*

(BY) DEPUTY CLERK

APR 11 2007

DATE

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

<b>RETURN OF SERVICE</b>		
Service of the Summons and Complaint was made by me <sup>1</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> ) Please see attached.	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="display: flex; flex-direction: column; gap: 10px;"> <div> <input type="checkbox"/> Served personally upon the defendant. Place where served: _____            _____         </div> <div> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.            Name of person with whom the summons and complaint were left: _____            _____         </div> <div> <input type="checkbox"/> Returned unexecuted: _____            _____            _____         </div> <div> <input type="checkbox"/> Other (<i>specify</i>): _____            _____            _____         </div> </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;">           Executed on _____  <div style="text-align: center; font-size: small;">Date</div> </div> <div style="width: 45%;">           _____  <div style="text-align: center; font-size: small;">Signature of Server</div>              _____  <div style="text-align: center; font-size: small;">Address of Server</div> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**AFFIDAVIT OF SERVICE**

UNITED STATES DISTRICT COURT  
SOUTHERN District of NEW YORK

Index Number: 07CV2925

Date Filed: \_\_\_\_\_

Plaintiff:

**UNITED STATES OF AMERICA FOR THE USE AND BENEFIT OF LMC  
INDUSTRIAL CONSTRUCTORS, INC.,**

vs.

Defendant:

**FKI LOGISTEX INTEGRATION INC and TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA,**

For:

HARRIS BEACH LLP  
99 Garnsey Road  
Pittsford, NY 14534

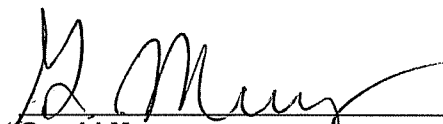
Received by MORALES PROCESS AND LOCATOR SERVICES to be served on **FKI LOGISTEX INTEGRATION INC. C/O CT CORPORATION SYSTEM, 111 EIGHTH AVENUE, NEW YORK, NY 10011.**

I, Gerald Murray, being duly sworn, depose and say that on the **25th day of April, 2007 at 12:11 pm, I:**

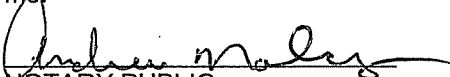
Served the above entity by delivering a true copy of the **SUMMONS, COMPLAINT, RULE 7.1 DISCLOSURE STATEMENT, INDIVIDUAL PRACTICES OF JUDGE LORETTA A. PRESKA, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE THEODORE H. KATZ, 3RD AMENDED INSTRUCTIONS FOR FILING ELECTRONIC CASE OR APPEAL, PROCEDURES FOR ELECTRONIC CASE FILING AND GUIDELINES FOR ELECTRONIC CASE FILING** to: **PAULA CASH** as **CLERK** at the address of: **111 EIGHTH AVENUE, NEW YORK, NY 10011**, who stated they are authorized to accept service for **FKI LOGISTEX INTEGRATION INC.**

**Description** of Person Served: Age: 55, Sex: F, Race/Skin Color: White, Height: 5'1", Weight: 130, Hair: Blonde, Glasses: N

I am over the age of eighteen, have no interest in the above action and have the authority to serve process pursuant to CPLR 2103.

  
**Gerald Murray**  
0872285

Subscribed and Sworn to before me on the 26th day  
of April, 2007 by the affiant who is personally known to  
me.

  
NOTARY PUBLIC

**MORALES PROCESS AND LOCATOR SERVICES**  
144 Exchange Blvd.  
Suite 401  
Rochester, NY 14614  
(585) 271-6344  
Our Job Serial Number: 2007002050

ANDREA MOLODY  
Notary Public, State of New York  
No. 01MO6037166  
Qualified in Suffolk County  
Commission Expires Feb. 14, 2010